

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:05 CR 44-16
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
KEVIN TRAYLOR,)	
)	
Defendant)	<u>ORDER</u>

Currently pending before the court is Defendant Kevin Traylor's Motion to Have the Government Make a Pretrial Showing that he Participated in the Alleged Conspiracy After His Eighteenth Birthday (ECF No. 233). For the reasons stated below, the Motion is denied.

United States v. Maddox, 994 F.2d 1223 (6th Cir. 1991) does not require such a pretrial showing. The required threshold showing by the Government that a defendant who joined a conspiracy before his 18th birthday ratified his membership in the conspiracy after his 18th birthday can be based on a showing made at trial. *United States v. Gjonaj*, 861 F.2d 143, 144 (6th Cir. 1988). The court finds the holding and the reasoning of *United States v. Welch*, 15 F.3d 1202, 1209 (1st Cir. 1993) to be especially persuasive.

Therefore, Defendant Kevin Traylor's Motion (ECF No. 233) is denied.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

December 6, 2005